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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,373	12/20/2001	Roy Hansson	P16135US	3524

466 7590 08/27/2003

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EXAMINER

KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/27/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,373

Applicant(s)

HANSSON, ROY

Examiner

Michele Kidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by
Raufman et al. (US 2002/00062177).

As to claim 5, Raufman et al. (hereinafter "Raufman") discloses an absorbent article comprising a liquid permeable topsheet (24), a liquid impermeable backsheet (26), and an absorbent body enclosed therebetween (28), a pair of belt portions (37) comprising a first belt portion attached to one side of the rear portion, and a second belt portion attached to an opposite side of the rear portion (figure 1), said belt portion, in use, being fastened together around the waist of the wearer (figure 2), said first belt portion carrying first fastening means, which in use, are attached against the second belt portion (page 7, paragraph 0062 and figure 9), said front portion exhibiting second fastening means (page 5, paragraph 0046), which in use, are attached to the belt portions such that the article will assume a pant shape, where the belt portions form a part of waist portions of the pant (figure 2) and each belt portion being provided with at least one indicium placed at an appropriate distance from an attachment of each belt

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portion to the rear portion, whereby each indicium on the first belt portion has a corresponding indicium on the second belt portion as set forth in figures 3 – 16.

With reference to claims 6 and 7, Raufman discloses the indicium as an ornamental design and/or symbol in figures 3 – 16.

As to claim 8, Raufman discloses the indicium as colored as set forth on page 8, paragraph 0068.

Claims 5 – 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Karlsson et al. (US 6,494,873).

As to claim 5, Karlsson et al. (hereinafter “Karlsson”) discloses an absorbent article comprising a liquid permeable topsheet (2), a liquid impermeable backsheet (3), and an absorbent body enclosed therebetween (41), a pair of belt portions (9') comprising a first belt portion attached to one side of the rear portion, and a second belt portion attached to an opposite side of the rear portion (figure 2), said belt portion, in use, being fastened together around the waist of the wearer (col. 2, lines 57 – 59), said first belt portion carrying first fastening means, which in use, are attached against the second belt portion (col. 3, lines 3 – 6), said front portion exhibiting second fastening means (8), which in use, are attached to the belt portions such that the article will assume a pant shape, where the belt portions form a part of waist portions of the pant (col. 3, lines 8 – 11) and each belt portion being provided with at least one indicium placed at an appropriate distance from an attachment of each belt portion to the rear portion (13), whereby each indicium on the first belt portion has a corresponding indicium on the second belt portion as set forth in figure 2.

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With reference to claims 6 and 7, Karlsson discloses the indicium as an ornamental design and/or symbol as set forth in figure 2.

Response to Arguments

Applicant's arguments filed June 2, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the self-application vs. the caregiver application of the article) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Additionally, the applicant argues that the examiner has given a very broad interpretation to the meaning of "belt", however the examiner notes that the applicant has not claimed a belt, the applicant recites "belt portions".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. New et al. is cited to show the knowledge in the art of providing an absorbent article comprising a belt with indicia.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703-308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell

Michele Kidwell
August 14, 2003

GKD

GLENN K. DAWSON
PRIMARY EXAMINER